



Federal Communications Commission  
Washington, D.C. 20554

MAR 13 1998

The Honorable Mitch J. McConnell, Jr.  
United States Senate  
361A Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator McConnell:

Thank you for your letter dated December 18, 1997, on behalf of your constituents, Greg Mead of Paintsville, Kentucky and Dr. Richard Wham of Henderson, Kentucky, concerning the placement and construction of facilities for the provision of personal wireless services and radio and television broadcast services in their respective communities. Your constituents' letters refer to issues being considered in three proceedings that are pending before the Commission. In MM Docket No. 97-182, the Commission has sought comments on a Petition for Further Notice of Proposed Rule Making filed by the National Association for Broadcasters and the Association for Maximum Service Television. In this proceeding, the petitioners ask the Commission to adopt a rule limiting the exercise of State and local zoning authority with respect to broadcast transmission facilities in order to facilitate the rapid build-out of digital television facilities, as required by the Commission's rules to fulfill Congress' mandate. In WT Docket No. 97-192, the Commission has sought comment on proposed procedures for reviewing requests for relief from State and local regulations that are alleged to impermissibly regulate the siting of personal wireless service facilities based on the environmental effects of radio frequency emissions, and related matters. Finally, in DA 96-2140 and FCC 97-264, the Commission twice sought comments on a Petition for Declaratory Ruling filed by the Cellular Telecommunications Industry Association seeking relief from certain State and local moratoria that have been imposed on the siting of commercial mobile radio service facilities.

Because all of these proceedings are still pending, we cannot comment on the merits of the issues at this time. However, I can assure you that the Commission is committed to providing a full opportunity for all interested parties to participate. The Commission has formally sought public comment in all three proceedings and, as a result, has received numerous comments from State and local governments, service providers, and the public at large. Your letter, your constituents' letters, as well as this response, will be placed in the record of all three proceedings and will be given full consideration.

The Honorable Mitch J. McConnell, Jr.

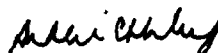
2.

At the same time, the Commission is actively pursuing initiatives that we hope will render any Commission action limiting State and local authority unnecessary. Commission staff, working with the Commission's Local and State Government Advisory Committee, is bringing together representatives of industry and municipal governments to discuss mutually acceptable solutions to the challenges posed by facilities siting. Chairman Kennard has stated that preemption of local zoning authority should be a remedy of last resort, and that the Commission should not consider preemption until the possibilities for constructive dialogue have been exhausted.

Further information regarding the Commission's policies toward personal wireless service facilities siting, including many of the comments in the two proceedings involving personal wireless service facilities, is available on the Commission's internet site at <http://www.fcc.gov/wtb/siting>.

Thank you for your inquiry.

Sincerely,



*for* Steven E. Weingarten  
Acting Chief, Commercial Wireless Division  
Wireless Telecommunications Bureau

**PAINTSVILLE-PRESTONSBURG AIRPORT**

**US 23**

**PO BOX 388**

**PAINTSVILLE, KY 41240-0388**

**(606) 789-5383**

OCT 20 PM 5:43

October 13, 1997

*226/169*

Federal Communications Commission  
Washington, DC 20554

Re: Proposed Rule Making On Towers

Dear Sirs:

This letter is in response to the "Notice of Proposed Rule Making on Towers" that is presently before the FCC. As you are aware, this proposal exempts future construction of antenna towers from state and local zoning.

We feel that there should be input on the local level to protect the airspace around general aviation airports. Without local input, public safety could be affected by the ingress/egress of traffic in and around the DTV towers in question or any other structural or antenna installation.

We would appreciate your review of the matter as it relates to local concerns.

Very truly yours,

*Greg Meade*

Greg Meade, Chairman  
Paintsville-Prestonsburg Airport

GM/dbw

cc: Honorable Mitch McConnell  
Honorable Wendell Ford  
Honorable Hal Rogers

Author: Lani Gerst at McConnell-DC

Date: 10/7/97 8:39 AM

Priority: Normal

TO: Allison Hiltz

TO: Scott O'Malia

Subject: Proposed FCC rule: conflict of TV Towers and Airport Safety

----- Message Contents -----

226166

??????

HENDERSON CITY-COUNTY AIRBOARD  
HENDERSON, KENTUCKY

October 6, 1997

FCC DOCKET 97-296, Room 239  
1919 M Street NW  
Washington, D.C. 20037

RE: NPRM FCC-97-296 (Page references: Document - FCC-97-296)

Dear Sirs:

The Henderson City - County Airboard wishes to go on record as strongly opposed to this NPRM because it has the potential to severely compromise the safety of airport operations, aircraft, and passengers in the United States.

Please notice item (2), page 18. I am sure the proponents of this Preemption Rule will point out this item as insuring that safety will be considered in the granting a permit. However, it appears to me that what this Rule would do is to shift the burden to local and state regulatory agencies of proving something was unsafe, rather than the present situation where the burden is on the party requesting an exemption to the rule and having to prove that the request would not impair safety.

Also the §... clearly defined and expressly stated health or safety objective... §, p. 18, would have to be proved to the FCC (p.19: §which shall be administered by the Commission§), which has an agenda of placing these transmission towers. Such a hearing would not provide an impartial and fair result.

If this proposed rule is implemented it has the potential of severely impacting the safety of the airspace both in the immediate environs of airports and along federal navigation airways.

Thank you for taking the time to consider these points.

Richard A. Wham, M.D.  
Airboard Chairman  
2932 Holloway Lane  
Henderson, KY 42420  
(502) 826-8567

CC: U.S. Senators Wendell Ford and Mitch McConnell  
U.S. Representative Ed Whitfield

MITCH McCONNELL  
KENTUCKY

COMMITTEES:  
AGRICULTURE  
APPROPRIATIONS  
JOINT COMMITTEE ON PRINTING  
LABOR & HUMAN RESOURCES  
RULES

## United States Senate

WASHINGTON, DC 20518-1702  
(202) 224-2541

WTB  
97-182  
124

December 18, 1997

Ms. Karen Kornbluh  
Director, Legislative/Intergovernmental Affairs  
Federal Communications Commission  
1919 M Street  
Washington, D.C. 20554

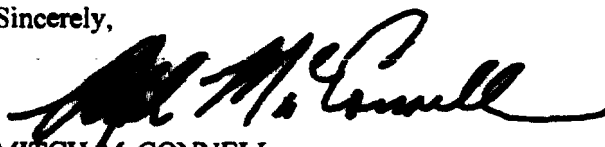
Dear Ms. Kornbluh:

I am writing on behalf of my constituents, Greg Meade of Paintsville and Dr. Richard Wham of Henderson.

Both gentlemen are concerned with a Federal Communications Commission proposal that exempts the construction of antenna towers from state and local zoning. I have enclosed copies of their letters to me and would appreciate a review of their concerns. Any information you may be able to provide would be very helpful.

Thank you for your time and attention to this matter.

Sincerely,



MITCH McCONNELL  
UNITED STATES SENATOR

MM/lmg

Enclosure

FEDERAL BUILDING  
241 E. MAIN STREET  
ROOM 102  
BOWLING GREEN, KY 42101  
(502) 781-1673

1885 DIXIE HIGHWAY  
SUITE 345  
FORT WRIGHT, KY 41011  
(606) 578-0188

771 CORPORATE DRIVE  
SUITE 530  
LEXINGTON, KY 40503  
(606) 224-8286

301 SOUTH MAIN STREET  
LONDON, KY 40741  
(606) 884-2026

601 WEST BROADWAY  
SUITE 630  
LOUISVILLE, KY 40202  
(502) 582-6304

IRVIN COBB BUILDING  
802 BROADWAY  
PADUCAH, KY 42001  
(502) 442-4554